



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

mf

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/679,061

10/03/2003

Brian Cartmell

1111-0012

5918

7590

09/07/2007

John P. Luther  
Newman & Newman, LLP  
Suite 610  
505 Fifth Avenue South  
Seattle, WA 98104

EXAMINER

JOHNS, CHRISTOPHER C

ART UNIT

PAPER NUMBER

3609

MAIL DATE

DELIVERY MODE

09/07/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/679,061

Applicant(s)

CARTMELL, BRIAN

Examiner

Christopher C. Johns

Art Unit

3609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____                                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____   | 6) <input type="checkbox"/> Other: ____                           |

### **DETAILED ACTION**

The new abstract filed on 3/4/2004 under has been entered.

#### ***Drawings***

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because "Figure" in Figure 1 is misspelled. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

#### ***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 7-10, 13-16 rejected under 35 U.S.C. 102(b) as being anticipated by McAllister (US 5,655,007).

#### **As per claims 1, 7, 13:**

McAllister covers a system for "telephone based credit card protection". It enhances security in using a "transaction card" (such as a credit card) by requiring voice authentication for confirmation. It teaches:

- Using the card to purchase something is the inherent and intended use of a credit card (cf. McAllister, column 1, lines 40-57) ("a purchaser ordering over an electronic network a good or service that the purchaser desires to purchase from a merchant vendor with the use of a money transaction card device"),
- Where the card gives its identification information to the merchant, as is inherent in using a credit card (cf. McAllister, column 1, lines 41-45) ("supplying identifying information to the merchant vendor pertaining to the purchaser and authorization of the purchaser for use of the money transaction card device"),

Art Unit: 3609

- Where the merchant, inherent in using a credit card system (cf. McAllister, column 1, lines 45-55), sends that identifying information to the transaction processor ("supplying information from the merchant vendor to a transaction processor pertaining to the purchaser and authorization of the purchaser for use of the money transaction card device"), and
- Where a telephone call is established to perform voice authentication, before allowing the transaction to be approved (cf. McAllister, column 15, lines 50-65, column 16, lines 4-16) ("establishing a telephone connection from the transaction processor via registered authorized cardholder telephone number to the purchaser, and in which the purchaser is voice enabled to express intent to complete the purchase transaction and to debit the purchaser's account, and optionally to voice identify the purchaser to the transaction processor.").

Claim 1 is the method that this system enables, claim 7 is the apparatus that operates in this fashion, and claim 13 is the "method of conducting business" that this system enables. All three are rejected for the above reasons.

**As per claims 2, 8, 14:**

Credit cards work by debiting the account of the cardholder ("debiting an account of the customer") and crediting the account of the merchant ("crediting an account of the merchant vendor"). Therefore, this claimed limitation is inherent in the art of credit card transactions.

Claim 2 is the method that this system enables, claim 8 is the apparatus that operates in this fashion, and claim 14 is the "method of conducting business" that this system enables. All three are rejected for the above reasons.

**As per claims 3, 9, 15:**

McAllister teaches an "autodialing" mechanism which occurs immediately after "swiping a magnetic strip on the card through the card reader" (cf. column 16, lines 10-16) ("establishing a telephone connection from the transaction processor to purchaser is accomplished substantially contemporaneously with purchaser's order of goods and/or services").

Claim 3 is the method that this system enables, claim 9 is the apparatus that operates in this fashion, and claim 15 is the "method of conducting business" that this system enables. All three are rejected for the above reasons.

**As per claims 4, 10, 16:**

Art Unit: 3609

McAllister teaches a system where “a signal [is sent] to [merchant’s] transaction device reader authorizing said transaction” (claim 29) (“confirming to the purchaser and/or merchant vendor that the purchase has been consummated”).

Claim 4 is the method that this system enables, claim 10 is the apparatus that operates in this fashion, and claim 16 is the “method of conducting business” that this system enables. All three are rejected for the above reasons.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 12, and 17 rejected under 35 U.S.C. 103(a) as being unpatentable over McAllister in view of Wang (US 5,917,913).

#### **As per claims 6, 12, 17:**

McAllister covers usage of voiceprint identification to verify credit card purchases. McAllister does not explicitly cover any other methods of biometric identification to verify said purchases.

Wang teaches using “a password, a finger print, or a voiceprint at a user authentication mechanism” (Wang, claim 5) to “[approve] a transaction request originated from an electronic transaction system” (Wang, claim 1) (“identifying the purchaser to the transaction processor by biometric identification means, inclusive of face print, fingerprints, thumbprints, retinal pattern, electronic signatures, cryptographic digital signatures, keystroke dynamics, wrist-vein identification, hand geometry and dynamic and static handwritten signature, or any combination thereof.”).

- Both inventions aim to add security to credit card transactions through external, biometric-based verification methods.
- The difference between the prior art and claims 6, 12, and 17, is that Wang specifically covers using a “portable electronic authorization device” to verify a purchase, while McAllister covers using the POTS (plain old telephone system) through a Point-of-Sale terminal.

Art Unit: 3609

- Both inventions require the same level of skill to implement – knowledge of transaction systems and biometric data usage.

Wang notes that while “electronic transaction systems are known” (column 1, line 13), these systems merely ask for identification data (such as a “password on a numeric keypad”, column 1, line 56) to authenticate that the user of the system is who the user is claiming to be. Wang notes that, as an example, the unencrypted data on an Automated Teller Machine is vulnerable to “unauthorized access and procurement” (column 2, lines 29-30), e.g.: a malicious agent may steal the user’s identification and pose as the user.

Wang notes that the “identification data...employed to authenticate transactions may be more complicated and elaborate to ensure greater security...[through the usage of] unique biometrics or unique identifying data such as finger print, DNA coding sequence, voice print, or the like” (column 5, line 65 to column 6, line 6).

Providing security is the aim of both inventions, and Wang includes extra biometric methods for this exact purpose. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the methods of McAllister with the larger breadth of biometric data acceptance of Wang. Wang teaches the usage of more biometric measures. Combining McAllister’s voice authentication credit card system with other biometric measures (as used in Wang) would be obvious to those skilled in the art at the time of the invention because of the enhanced security achieved through using multiple biometric methods.

Claim 6 is the method that this system enables, claim 12 is the apparatus that operates in this fashion, and claim 17 is the “method of conducting business” that this system enables. All three are rejected for the above reasons.

Claims 5 and 11 rejected under 35 U.S.C. 103(a) as being unpatentable over McAllister).

**As per claim 5, 11:**

McAllister covers using voiceprint identification to verify credit card purchases. McAllister only covers usage of the system at the time of sale – it does not cover verifying a queued list of pending transactions.

Wesemann teaches a conduit system for a “voice-enabled user interface for voicemail systems”. Said voicemail systems may have multiple messages stored, and this system enables access to these messages through the user’s voice alone. It further discloses that the system may be used for an incoming call routing system (cf. Figure 6).

Art Unit: 3609

- Both inventions allow processes to be performed using one's voice, using an automated system to interpret the voice commands – allowing for ease-of-use.
- While Wesemann covers a voicemail conduit and McAllister covers a purchase verification system, both systems employ voice recognition technology and employ it to similar ends – accomplishing tasks over the phone.
- Both inventions require knowledge of voice recognition technologies – the voice must be interpreted properly by both systems in order to accomplish their respective tasks.

Wesemann notes that “the prior art...includes various other types of telephone service systems that facilitate business and financial transactions...[such as] home banking, purchasing consumer products, receiving customer support, and accessing news, entertainment, financial and travel information” (column 1, paragraphs 7 and 8). This invention covers using a voice-activated conduit with a menu “having multiple menu states, each menu state having state specific prompts of which said prompt is one of the state specific prompts” (claim 2). A user can perform any number of tasks through this system. Furthermore, according to Wesemann, there also exist financial transaction telephone systems (column 1, paragraphs 7 and 8).

Providing a voice-activated service over the telephone is the aim of both inventions. Furthermore, Wesemann notes that there already exist telephone-based systems for financial activity. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the credit card verification system in McAllister with the ability to navigate through multiple items using one's voice in Wesemann, so one could perform multiple purchase authorizations while on the phone with the voice authentication system in McAllister. Performing multiple actions while on the phone (using voice recognition) was well known to those skilled in the art at the time of the invention.

Claim 5 is the method that this system enables and claim 11 is the apparatus that operates in this fashion. Both are rejected for the above reasons.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher C. Johns whose telephone number is 571-270-3462. The examiner can normally be reached on Monday-Thursday, 7:30-5, Alternate Fridays, 7:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dixon can be reached on 571-272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Christopher Johns  
Examiner  
Art Unit 3609

CCJ

NAEEM HAQ  
PRIMARY EXAMINER

